1947

File No. B. Co-op. /47

K

Legal **DEPARTMENT**

B. **BRANCH**

Subject:—

Bill to Amend the Bombay Co-operative Societies Act, 1925 —

Amendment of Section 8

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Std. Sectt. Slip 24 B e.

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Office of the R.C.S.

Section 64 of the Bombay Co-operative Societies Act, 1925 on which the Registrar relies in his letter of 20-3-1947 at p. 31 does not require that during the continuance of a society any persons admitted as members of the society must possess the residential qualification envisaged in sub-section (1) of section 7. Under sub-section (1) of section 7 the condition precedent to the registration of a society is that it must consist of at least ten persons who are majors and when the object of the society is the creation of funds to be lent to its members such persons reside in the same town or village or in the same group of villages or save where the Registrar otherwise directs, are members of the same tribe, class caste or occupation. It is true that according to the definition of "member" in section 3(e) it includes a person joining in the application for the registration of a society but section 7 read along with this difinition will only mean that the original members of the society must at the time of its registration possess the qualifications prescribed in clause (a) or (b) of section 7(1). Once the society is registered under section 10 of the Act the qualifications prescribed by clause (a) or (b) of section 7 are no longer binding. This is emphasised by section 46 of the Act which provides for winding up of a society only in the event of the reduction of its members to less than ten members. If the intention is that the members of a society whose object is the creation of funds to be lent to its members should possess the qualifications prescribed in clause (a) or (b) of section 7(1) of the Act, it would be necessary to amend the Act.

Sd/- D.V.Vyas.

Remembrancer of Legal Affairs.

U.R. to R.D., No. 6680 , dated the 28th June 1947.

SMT/16.5.